



## ATTENTION

Probate cases on this calendar are currently under review by the probate examiners. Review of some probate cases may not be completed and therefore have not been posted.

If your probate case has not been posted please check back again later.

Thank you for your patience.

Amended Third Account Current, Report of Conservator and petition for Its Settlement

DOD: 8/15/13		ALBERT FRANCO, Son and Co-Conservator, is Petitioner.	NEEDS/PROBLEMS/ COMMENTS:
		Account period: 6/1/12 – 8/31/13	Minute Order 3/7/16: Albert Franco represents that he is meeting with Ms. Krause-Cota this afternoon to retain her services. The Court grants one last continuance, indicating that removal and appointment of the Public Guardian is imminent if the issues are not addressed.
Cont. from 012716, 030716		Accounting: \$121,910.31	Note: On 4/5/16, Ms. Krause substituted in as counsel for Petitioner; however, nothing further has been filed.
		Beginning POH: \$ 92,518.86	
		Ending POH: \$ 90,639.43	The following issues remain noted:
		(\$639.43 cash plus real property valued at \$89,000.00 and personal property valued at \$1,000.00)	
	Aff.Sub.Wit.	Petitioner states the estate could not afford the cost of an accountant as noted to this court and the prior court. Petitioner has provided the bank statements.	SEE ADDITIONAL PAGES
✓	Verified		
	Inventory	Petitioner waives compensation.	
	PTC		
	Not.Cred.	Petitioner states the Conservatee at the time of her demise was being cared for by her daughter in Lakewood, Los Angeles County, CA; however, her legal residence was in Fresno where her real property was located. Petitioner requests the Court so rule so they can either petition for distribution out of the conservatorship and/or open a probate case in Fresno. Petitioner and his sister, Patricia Leonard, the co-conservator, are the only heirs and the only asset is the conservatee's residence in Fresno.	
	Notice of Hrg		
	Aff.Mail	Petitioner states the conservators had on file a bond totaling \$181,280.00. After the prior accounting, the court stated the bond was no longer necessary and it was canceled. (See Examiner's Notes.)	
	Aff.Pub.		
	Sp.Ntc.	Petitioner prays for an order that:	
	Pers.Serv.		
	Conf. Screen	1. Notice of hearing on this account, report and petition be given as required by law;	
	Letters		
	Duties/Supp	2. The Court make an order approving, allowing and settling the attached account and report of the Co-Conservators as filed;	
	Objections		
	Video Receipt	3. Further, due to the fact that the Conservatee died on 8/15/13, that the Court order this Conservatorship closed and dismissed.	
	CI Report		
	9202	SEE ADDITIONAL PAGES	
	Order		
	Aff. Posting		Reviewed by: skc
	Status Rpt		Reviewed on: 4/11/16
	UCCJEA		Updates:
	Citation		Recommendation:
	FTB Notice		File 1- Kozera

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**Petitioner states** he and his sister Patricia Leonard are the duly appointed co-conservators of the person and estate. When their mother died on 8/15/13, she was staying with Patricia. Taking care of a dying parent is very stressful, and after her death, Patricia wanted Petitioner to take care of everything. Petitioner took over paying bills for the residence in Fresno and has been dealing with this conservatorship. Patricia Leonard will not appear regarding this matter and when the conservatorship is dissolved, Petitioner will be the one to petition for the probate estate. Although she has not been formally removed, she asked Petitioner to finish up this case and he agreed.

In the Second Account, two bank accounts were listed. Petitioner closed one of the accounts after the Second Account; therefore, in this report, Petitioner is providing information on the only account he has been using.

Petitioner states the conservatorship technically stopped and the probate estate started when his mother died. He did not account for and deal with the conservatorship estate assets subsequent to her death as stated in the prior declaration because petitioner plans to deal with those assets in the probate estate.

Petitioner states in the prior Examiner Notes, it states he requested termination without distribution of the assets or indicating that an estate has been opened. Petitioner states he did say he would open a probate case. He thought this had to be closed first. Petitioner did not know that assets could be distributed out of the conservatorship estate.

Petitioner states he is not an attorney and there are no funds to hire one. While he knows he is responsible for knowing the rules, he respectfully asks for some guidance. Since he and his sister are the only heirs, if it is not necessary to open a probate case, he would like to know if the house can be distributed from the conservatorship case.

Concerning the other probate notes, Petitioner has amended the accounting and the charges and credits now match and the beginning property on hand now matches the property on hand at the close of the Second Account.

Re Request for Special Notice filed by Leigh Burnside: Petitioner states he originally hired that firm to help recover about \$300,000 that someone stole from the estate prior to the conservatorship. Instead of doing what he hired them to do, they spent about a year and \$90,000 of estate funds in attorney fees for multiple attorneys and paralegals relative to this conservatorship. He fired them and they had the gall to try and come back and collect more attorney fees. He told them if they continued in their effort to get paid for not doing what they were hired to do, he would sue them. Mr. Burnside and his firm (sic) have been gone for several years and have not been noticed. Petitioner objects to having to waste additional time and money keeping them notified when they were fired for non-performance and basically ripping off his mother for \$90,000.

Petitioner states he has not accounted for estate assets subsequent to his mother's death and again respectfully requests that the assets be distributed out of this case or that this case be closed/dismissed so a probate can be opened. The Court could also accept this third account and then have a fourth and final account for the subsequent period. Either way, Petitioner respectfully requests help.

**SEE ADDITIONAL PAGES**

**Dept. 303, 9:00 a.m. Monday, April 18, 2016**

NEEDS/PROBLEMS/COMMENTS:

1. The petition is not verified by Co-Conservator Patricia Leonard. (Although Petitioner states he and his sister agreed that he would finish up the conservatorship, this issue remains noted pursuant to Probate Code §1020.)
2. Although Petitioner revised the summary to balance, no accounting schedules are provided in support of the summary pursuant to Probate Code §1062. Summary and schedules should be completed on the mandatory Judicial Council forms. (Although Petitioner previously provided the bank statements, these are supplemental and are not in a format reviewable by the court.)
3. As previously noted, Petitioner provides an "account current" that ends at the end of the month after the conservatee's death, but does not account for any subsequent period per §2620(b) or request distribution of assets in order to close the conservatorship. In this amended petition, Petitioner requests direction as to how to proceed – whether to open an estate or whether distribution can occur from this conservatorship estate.

While the Court cannot provide legal advice, Examiner notes that if the value of the remaining assets, reappraised at date of death, is under \$150,000.00, Petitioner may be able to use a summary proceeding for distribution to the heirs rather than opening a full probate estate. See Probate Code §13150 et seq. However, this type of proceeding, while simpler, would require some participation by Ms. Leonard. Petitioner may wish to review Form DE-310 (Petition to Determine Succession) along with DE-160, DE-161 (Inventory and Appraisal). Please note that the manner of closing of this conservatorship estate may depend on the proceeding Petitioner intends to use (full probate or summary proceeding), and final account herein according to the Probate Code may still be necessary.

4. Need Notice of Hearing (Mandatory Judicial Council Form GC-020) for this hearing date and proof of service of Notice of Hearing on all relatives at least 15 days prior to the hearing pursuant to Probate Code §§ 1220, 2621, 1460(b)(6). (It appears Petitioner served notice of a prior hearing date that was taken off calendar. Petitioner should have filed this amended petition and thereafter served the Notice of Hearing on all relatives.
5. Request for Special Notice: Petitioner states the law firm did not do what they were hired to do and he fired them. However, Court records indicate that the Co-Conservators were represented by Dowling Aaron from commencement of conservatorship proceeding through the settling of the first account, which also included a petition and order for substituted judgment revoking estate planning documents and powers of attorney. See file for history and details. The Court granted attorney fees and costs of \$42,563.75 on 4/21/11 and \$4,730.25 on 8/23/11.

Substitution of Attorney was filed 8/9/11, and Request for Special Notice was filed 8/25/11. It appears the majority of the fees granted were paid according to the Co-Conservators' Second Account; however, Pursuant to Probate Code §1252, Notice of Hearing with a copy of the petition must be served on the party requesting special notice unless dispensed by the Court. Therefore, notice is required.

SEE ADDITIONAL PAGES

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Note: Petitioner states his bond was waived pursuant to the Court's minute order of 2/21/13; however, as previously noted, the Order Approving Second Account signed by the Court on 2/21/13 states at Paragraph 13 on Page 4: "The Co-Conservators have on file a bond totaling \$181,280 from International Fidelity Insurance Company in connection with their appointment as Co-Conservators, which is sufficient in this estate." This Order clarifies that the bond was not waived or canceled; rather, the current bond was found sufficient at that time to proceed without increase.

## (1) Proof for Final Distribution on Waiver of Accounting and (2) for Allowance of Statutory Commissions

<b>DOD: 6/20/13</b>		<b>BETTY ANN CONNELLY</b> , Mother and Administrator with Full IAEA without bond, is Petitioner.	<b>NEEDS/PROBLEMS/COMMENTS:</b>
		Petitioner is the sole heir and waives accounting.	<b>Minute Order 9/14/15: Ms. Connelly requests a continuance to April in order to resolve the creditor's claim, which is from an auto accident case that the decedent was involved in. The Court directs Ms. Connelly to file a written status report at least a week in advance of the 4/18/16 hearing.</b>  <b>Note: Petitioner filed a Declaration on 4/8/16 regarding 14CECG01135.</b>  <p style="text-align: center;"><u><b>SEE PAGE 2</b></u></p>
<b>Cont From 020915, 050415, 091415</b>		I&A: \$295,528.15	
<input type="checkbox"/>	<b>Aff.Sub.Wit.</b>	POH: \$42,955.29 (cash)	
<input checked="" type="checkbox"/>	<b>Verified</b>	Administrator (Statutory): \$8,910.56	
<input checked="" type="checkbox"/>	<b>Inventory</b>	Closing: \$1,000.00	
<input checked="" type="checkbox"/>	<b>PTC</b>	Petitioner states the decedent's real property was sold and the decedent's personal effects were distributed to the heirs to avoid storage expense.	
<input checked="" type="checkbox"/>	<b>Not.Cred.</b>	Petitioner requests distribution pursuant to intestate succession as follows:	
<input checked="" type="checkbox"/>	<b>Notice of Hrg</b>	Betty Ann Connelly: Entire estate	
<input type="checkbox"/>	<b>Aff.Mail</b>		
<input type="checkbox"/>	<b>Aff.Pub.</b>		
<input type="checkbox"/>	<b>Sp.Ntc.</b>		
<input type="checkbox"/>	<b>Pers.Serv.</b>		
<input type="checkbox"/>	<b>Conf. Screen</b>		
<input checked="" type="checkbox"/>	<b>Letters</b>	7-25-14	
<input type="checkbox"/>	<b>Duties/Supp</b>		
<input type="checkbox"/>	<b>Objections</b>		
<input type="checkbox"/>	<b>Video Receipt</b>		
<input type="checkbox"/>	<b>CI Report</b>		
<input checked="" type="checkbox"/>	<b>9202</b>		
<input type="checkbox"/>	<b>Order</b>	x	
<input type="checkbox"/>	<b>Aff. Posting</b>		
<input type="checkbox"/>	<b>Status Rpt</b>		
<input type="checkbox"/>	<b>UCCJEA</b>		
<input type="checkbox"/>	<b>Citation</b>		
<input checked="" type="checkbox"/>	<b>FTB Notice</b>		
			<b>Reviewed by:</b> skc
			<b>Reviewed on:</b> 4/11/16
			<b>Updates:</b>
			<b>Recommendation:</b>
			<b>File 5 – Connelly</b>

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**Declaration filed 4/8/16 states:** Please find attached copy of court paperwork showing Fresno County Court Case No. 14CECG01135, Jacklyn Kurisu v. Regina Connelly, was continued from 1/4/16 to 11/28/16. (Attached is a Stipulation and Order to Continue Trial.)

**NEED/PROBLEMS/COMMENTS:** The following issues remain noted:

1. Petitioner states at #6 that no claims were filed against the estate; however, a Creditor's Claim was filed on 10/27/14 by Attorney David Milligan for Claimant Jacklyn Kurisu in connection with damages arising out of a motor vehicle accident of \$314,000.00, with reference to Case #14CECG01135. Therefore, need Allowance or Rejection of Creditor's Claim (DE-174) and proof of service pursuant to Probate Code §9250.

Note: If rejected, a creditor has 90 days to act on the rejection.

Note: Pursuant to Probate Code §10954(c), notwithstanding the waiver of accounting by the heir, an unpaid creditor may petition for an accounting.

2. Court records indicate that the Estate of Regina Ann Connelly (presumably Petitioner as Administrator) filed an Answer on 12/14/14 to a complaint in 14CECG01135. Therefore, it does not appear that this estate is in a position to close. Need clarification regarding this matter.
3. Need proof of service of Notice of Hearing with a copy of the petition at least 15 days prior to the hearing pursuant to Probate Code §1252 and Request for Special Notice filed 10/30/14 on David Milligan (Attorney for Creditor Jacklyn Kurisu)
4. Need Order pursuant to Local Rules 7.1.1.F. and 7.6.1.

**10 Marcus Thomas Areyano (Estate)****Case No. 14CEPR00811****Attorney: Gary G. Bagdasarian (for Petitioner/Administrator Lanae Areyano)****Waiver of Accounting and Report of Administrator and Petition for its Settlement; Waiver of Administrator's Commissions; for Allowance of Statutory Attorney's Fees, and Costs Reimbursement, and for Final Distribution**

<b>DOD: 3/25/14</b>		<b>LANAE AREYANO</b> , Administrator, is petitioner.	<b>NEEDS/PROBLEMS/COMMENTS:</b>
		Accounting is waived.	
<b>Cont. from 020816, 031416</b>		I & A - <b>\$162,275.45</b>	
		POH - <b>\$160,139.15</b>	
<input type="checkbox"/>	<b>Aff.Sub.Wit.</b>		
<input checked="" type="checkbox"/>	<b>Verified</b>	Administrator - <b>Waives</b>	
<input checked="" type="checkbox"/>	<b>Inventory</b>	Attorney (statutory) - <b>\$5,868.00</b>	
<input checked="" type="checkbox"/>	<b>PTC</b>		
<input checked="" type="checkbox"/>	<b>Not.Cred.</b>	Costs - <b>\$1,752.00</b> (filing fees, probate referee, publication, certified copies and bond)	
<input checked="" type="checkbox"/>	<b>Notice of Hrg</b>		
<input checked="" type="checkbox"/>	<b>Aff.Mail</b>	W/ Closing - <b>\$639.15</b>	
<b>Aff.Pub.</b>			
<b>Sp.Ntc.</b>		<b>Distribution, pursuant to intestate succession, is to:</b>	
<b>Pers.Serv.</b>		<b>Lanae Areyano</b> – 1/3 interest in real property located in Fresno, 1/3 interest in 2010 Honda Civic and 1/3 interest in personal property and effects.	
<b>Conf. Screen</b>		<b>Emily Areyano</b> – 1/3 interest in real property located in Fresno, 1/3 interest in 2010 Honda Civic and 1/3 interest in personal property and effects.	
<input checked="" type="checkbox"/>	<b>Letters</b>	11/4/14 <b>Laura Castillo, as guardian of the Estate of Joshua Areyano</b> – 1/3 interest in real property located in Fresno, 1/3 interest in 2010 Honda Civic and 1/3 interest in personal property and effects.	
<b>Duties/Supp</b>			
<b>Objections</b>			
<b>Video Receipt</b>			
<b>CI Report</b>			
<input checked="" type="checkbox"/>	<b>9202</b>		
<input checked="" type="checkbox"/>	<b>Order</b>		
<b>Aff. Posting</b>			
<b>Status Rpt</b>			
<b>UCCJEA</b>			
<b>Citation</b>			
<input checked="" type="checkbox"/>	<b>FTB Notice</b>		
<b>Reviewed by:</b> KT			
<b>Reviewed on:</b> 4/11/16			
<b>Updates:</b>			
<b>Recommendation:</b> SUBMITTED			
<b>File 10- Areyano</b>			